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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 MICHAEL MANJEET SINGH,
11 Plaintiff,
12 v.
13 WARDEN PHEIFFER, *et al.*,
14 Defendants.

15 Case No. 1:22-cv-01412-ADA-EPG (PC)

16 FINDINGS AND RECOMMENDATIONS,
17 RECOMMENDING THAT CERTAIN
18 CLAIMS AND DEFENDANTS BE
19 DISMISSED

20 (ECF Nos. 9 & 28).

21 OBJECTIONS, IF ANY, DUE WITHIN
22 FOURTEEN DAYS

23 Michael Manjeet Singh (“Plaintiff”) is a prisoner proceeding *pro se* in this civil rights
24 action filed pursuant to 42 U.S.C. § 1983.

25 Plaintiff filed the complaint commencing this action on May 27, 2022. (ECF No. 9).
26 The Court screened Plaintiff’s complaint. (ECF No. 28). The Court found that only the
27 following claims should proceed past the screening stage: Plaintiff’s Eighth Amendment claims
28 for excessive force against Defendants Veith and Fowler, Eighth Amendment claims for failure
 to protect and deliberate indifference to a serious medical need against Defendants Veith,
 Fowler, and Diaz, and state law claims for negligent failure to protect and failure to summon
 medical care against Defendants Veith, Fowler, and Diaz. (*Id.*, p. 2).

29 The Court gave Plaintiff thirty days to either: “a. File a First Amended Complaint; b.
30 Notify the Court that he wants to proceed only on claims against Defendants Veith, Fowler, and
31 Diaz identified in this order; or c. Notify the Court in writing that he wants to stand on his

1 complaint.” (Id. at 17-18). On September 27, 2023, Plaintiff filed a notice that he wants to
2 proceed only on the claims that the Court found should proceed past screening. (ECF No. 34).

3 Accordingly, for the reasons set forth in the Court’s screening order that was entered on
4 April 3, 2023 (ECF No. 28), and because Plaintiff has notified the Court that he wants to
5 proceed only on the claims that the Court found should proceed past screening (ECF No. 34), it
6 is HEREBY RECOMMENDED that all claims and defendants be dismissed, except for
7 Plaintiff’s Eighth Amendment claim for excessive force against Defendants Veith and Fowler;
8 Eighth Amendment claim for failure to protect against Defendants Veith, Fowler, and Diaz;
9 Eighth Amendment claim for deliberate indifference to a serious medical need against
10 Defendants Veith, Fowler, and Diaz; state law tort claim for negligent failure to protect against
11 Defendants Veith, Fowler, and Diaz; and state law claim for failure to summon medical care in
12 violation of California Government Code §§ 845.6 and 844 against Defendants Veith, Fowler,
13 and Diaz.

14 These findings and recommendations will be submitted to the United States district
15 judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
16 **fourteen (14) days** after being served with these findings and recommendations, Plaintiff may
17 file written objections with the Court. The document should be captioned “Objections to
18 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file
19 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.
20 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394
21 (9th Cir. 1991)).

22 IT IS SO ORDERED.
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24 Dated: October 11, 2023

25 
26 UNITED STATES MAGISTRATE JUDGE
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